

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1950.02
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	September 12, 2002
DATE OF REPORT:	October 25, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 25, 2002

COMPLAINT ISSUES:

Whether the Eastern Howard School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-2(c) and 511 IAC 7-17-3 by failing to provide the parent with adequate notice of the case conference committee meeting (CCC) scheduled for September 11, 2002.

511 IAC 7-27-3(a)(1) by informing the parent that the CCC meeting convened on September 11, 2002, could no longer meet without the presence of a public agency representative from the local special education district office because the parent did not notify the school that an advocate would be in attendance.

511 IAC 7-25-4(k) by failing to insure that a copy of the Student's evaluation report was made available at the school no less than 5 days prior to the scheduled CCC meeting to review the report and inform the parent of the report's availability prior to the CCC meeting.

511 IAC 7-25-4(b) by failing to convene a CCC meeting within 60 instructional days of the date the written parental consent to conduct an evaluation was received by the School.

An extension of time until October 25, 2002, was granted on October 11, 2002, to allow the investigator sufficient time to review the information related to the issues involved.

FINDINGS OF FACT:

1. The Student is 7 years of age, is enrolled in grade one, and has been determined eligible for special education and related services under the category of communication disorder.
2. The School contacted the Complainant by phone on August 23, 2002, and verbally confirmed agreement with a September 5 CCC meeting date and time. A copy of the CCC meeting notice was mailed to the Complainants August 26, 2002. On September 3, 2002, the Complainants requested a change in speech therapists. The School contacted the Complainants on September 4 and September 6, 2002, to reschedule the meeting on September 11, when the requested SLP could also attend. The Coordinator hand delivered a new notification form to the Complainants' home on September 10, 2002, which was signed by one of the Complainants who agreed to return it to the School the next day at the conference. The CCC notification form and an attached note state the previous dates of each contact.

3. The School asserts that the CCC meeting held on September 11, 2002, was stopped because the Complainants brought an advocate without prior written notification to the School, and the School staff wanted a district level special education administrator to be present. The School reports that the CCC notification form requests advance notice when parents plan to bring another participant, but does not *require* such advance notice. The Coordinator called the Director at her office during the CCC meeting to report that the meeting had become confrontational and to request administrative support. There were no administrative staff available to assist the Coordinator at the meeting, but the Coordinator agreed to continue the meeting with the Director available by telephone to answer any questions. When the Coordinator returned to the meeting, the Principal had already dismissed the CCC meeting, which included required participants. The advocate concurred that a curt question directed at the School staff had created tension. The Complainants concurred that the Principal dismissed the participants before final arrangements could be made to continue the CCC meeting. On September 11, 2002, the School mailed a notification form to the Complainants to reschedule the CCC meeting for a later date.
4. The Complainants were not provided a copy of the occupational therapy evaluation (OT) report until fifteen minutes before the CCC meeting began on September 11, 2002. A notice to the Complainants, dated June 17, 2002, states: All evaluations have been completed for the Student; a report is now available at the School; and the Complainants may either pick up a copy of the evaluation report at the School or a copy will be provided for them at the CCC meeting. The Complainants requested a copy of the evaluation report be mailed to them at their home. The Coordinator recognized that she had omitted the OT section of the report the morning of the CCC meeting and called the Complainants, the Coordinator offered to deliver a copy to the home, but the Complainants responded that they would pick up the OT report prior to the meeting. The OT report was written June 5, 2002, and was available at the School June 17, 2002.
5. On May 6, 2002, the Complainants provided a written memorandum addressed to the School which requested a "complete educational evaluation" be conducted for the Student, was signed by the Complainant, and also stated that the Complainants had thought the AT evaluation would be "educational evaluations to prepare (the Student) for first grade." The 60 school-day timeline for conducting the CCC meeting was to end on October 10, 2002. The School convened on September 11, 2002, to discuss the comprehensive evaluation conducted in May and June of 2002. The Complainants have had a copy of all the evaluation tests since September 11, 2002, but the School and Complainants have been unable to agree on a date and time to reconvene the CCC meeting to complete the discussion.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School provided adequate verbal and written notice for the initial CCC meeting. Two days prior to the CCC meeting, the School agreed to change the SLP participant and CCC meeting date subsequent to the request of the Complainants. The School provided written notice of the rescheduled CCC meeting at a mutually agreed-upon time and place within two working-days after the verbal phoned confirmation and one day before the conference, which was held 4 days after the original CCC meeting date. The School appears to have kept the Complainants adequately informed of the scheduling options to meet the requirements for adequate notice under both 511 IAC 7-27-2(c) and 511 IAC 7-17-3. Therefore, no violation of 511 IAC 7-27-2(c) is found.
2. Finding of Fact #3 indicates that the School provided all required participants, but the meeting was stopped because of the confrontational atmosphere. However, the School immediately provided a written request to reschedule the CCC. Therefore, no violation of 511 IAC 7-27-3(a)(1) is found.
3. Finding of Fact #4 indicates that the School made a copy of the Student's evaluation reports available at the School and provided notice that the assessment report was available more than 5 days prior to the

CCC meeting, as required by 511 IAC 7-25-4(k). The School was not required to mail a copy to the home but did so, beyond the requirements of Article 7. Therefore, no violation of 511 IAC 7-25-4(k) is found.

4. Finding of Fact #5 indicates that the School has provided information prior to parent signing permission to test and has complied with the timelines for meeting in CCC to discuss results of evaluations. Therefore, no violation of 511 IAC 7-25-4(b) is found.

The Department of Education, Division of Exceptional Learners requires no corrective actions based on the Findings of Fact and Conclusions listed above.